

MOTION INFORMATION STATEMENT

Docket Number(s): 15-3228(Con), 15-2801 (L), 15-2805 (Con)

Caption [use short title]

Motion for: Strike Pro Hac Vice Appearance of Matthew D. Baker  
of Rees Broome, P.C.

National Football League Management Council  
("NFLMC")

v.

National Football League Players' Association  
("NFLPA")

Set forth below precise, complete statement of relief sought:

I seek relief for the Court as Pro Se party to strike appearance of Rees  
Broome, P.C. attorney Matthew D. Baker who seeks to appear Pro Hac  
Vice to file an amici brief on behalf of "Scholars of Labor Law and Industrial  
Relations" on May 31, 2016, nearly six months defectively late, evading  
Local/Fed.R.App.Pr. and without proof of admittance in any Court. Petition for  
panel rehearing/en banc review of an Apr. 26, 2016 Order is pending.

MOVING PARTY: Michelle L. McGuirk, Appellant, Pro Se

☐ Plaintiff

☐ Defendant

☒ Appellant/Petitioner

☐ Appellee/Respondent

OPPOSING PARTY: NFLPA as Appellee; Proposed Amici Curiae

MOVING ATTORNEY: Pro Se party

[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: Theodore Olson; Matthew D. Baker

Michelle L. McGuirk

Gibson Dunn & Crutcher, L.L.P.; 1050 Conn. Ave. Wash. DC 20036

P.O. Box 369, New York, N.Y. 10113-369

202-955-8668[tolson@gibsondunn.com][mbaker@reesbroome.com]

(646) 662-5241; [michelle\_mcguirk@yahoo.com]

Rees Broome, P.C., 1900 Gallows Rd., Ste 700, Tysons Corner, VA 22182

Court-Judge/Agency appealed from: U.S. District Court, S.D.N.Y., Hon. Richard M. Berman, Case 15-cv-5916

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes ☐ No (explain): Pro Se Party was not served by Mr. Delinsky

Opposing counsel's position on motion:

☐ Unopposed ☐ Opposed ☒ Don't Know

Does opposing counsel intend to file a response:

☐ Yes ☐ No ☒ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?

☐ Yes ☐ No

Has this relief been previously sought in this Court?

☐ Yes ☐ No

Requested return date and explanation of emergency:

Is oral argument on motion requested?

☐ Yes ☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☒ Yes ☐ No If yes, enter date: Lead case 15-2801 held only on Mar. 3, 2016

Signature of Moving Attorney:

*Michelle L. McGuirk*

Date: June 22, 2016

Service by: ☐ CM/ECF

☒ Other [Attach proof of service]

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

Docket #15-3228 CV (CON)

-----x  
NATIONAL FOOTBALL LEAGUE  
MANAGEMENT COUNCIL,

Plaintiff-Counter-Defendant-Appellee,

- v. -

NATIONAL FOOTBALL LEAGUE PLAYERS  
ASSOCIATION, on its own behalf and Tom Brady  
Defendant-Counter-claimant

TOM BRADY, Counter-claimant

MICHELLE L. MCGUIRK, Appellant  
-----x

MOTION to STRIKE  
REES BROOME, P.C.  
*PRO HAC VICE*  
APPEARANCE

Related: 15-2801 cv (L)  
15-2805 cv (CON)

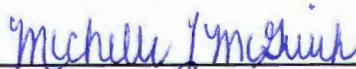
PLEASE TAKE NOTICE that upon the Affidavit of Michelle L. McGuirk, *pro se* Appellant, sworn to June 22, 2016 and all prior pleadings, I hereby move for Order of the U.S. Court of Appeals for the Second Circuit located at Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, N.Y. 10007 to strike the proposed appearance of Rees Broome, P.C. attorney Matthew D. Baker entered May 31, 2016 in case 15-3228 (Docket#156) and lead 15-2801 (Docket#294). Relief is for good cause on disobeying Local Rules and Fed.R.App.Pr. on egregiously late filing of an *amici curiae* brief by a fictitious entity, without proof of admittance in any Court.

Motion is made per Fed.R.App.Pr.26(c), though counsel failed to serve me in any form, with responsive pleadings due timely per Fed.R.App.Pr.27(a)(3)(A). My May 9, 2016 Petition for Panel Rehearing and Rehearing *En Banc* is pending.

Dated: June 22, 2016

New York, New York

Respectfully Submitted,



Michelle L. McGuirk, Appellant, *Pro Se*  
P.O.Box 369, New York, N.Y.10113-369

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U.S. COURT OF APPEALS  
FOR THE SECOND CIRCUIT  
NEW YORK, NY 10007



UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

Docket #15-3228 CV (CON)

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NATIONAL FOOTBALL LEAGUE  
MANAGEMENT COUNCIL,

Plaintiff-Counter-Defendant-Appellee,

- v. -

NATIONAL FOOTBALL LEAGUE PLAYERS

ASSOCIATION, on its own behalf and Tom Brady

Defendant-Counter-claimant

TOM BRADY,

Counter-claimant

MICHELLE L. MCGUIRK,

Appellant

-----x  
STATE OF NEW YORK, COUNTY OF NEW YORK ss:

I, Michelle L. McGuirk, Appellant of full age, declare under penalty of perjury the following is true or to the best of my knowledge if based on information and belief:

1. I filed Appellant's Brief on Nov. 23, 2015 (15-2801:Dkt#120). Winston & Strawn, L.L.P. filed answering brief for NFLPA and Tom Brady on Dec. 7, 2015 (Dkt#63). Bancroft PLLC filed NFLMC's reply brief on Dec. 21, 2015 (Dkt#70).

2. Case 15-2801 as NFLMC v. NFLPA was argued Mar. 3, 2016. On Apr. 25, 2016, a Summary Order affirmed denying my appeal (Dkt#118;15-2801,Dkt238).

3. I filed a Memo of Law in Support of Petition for Panel Rehearing and Rehearing *En Banc* on May 9, 2016 (Dkt#123); Citations, Rules, Laws and Statutes on May 16, 2016 (Dkt#136) and motion for leave to file on May 27, 2016 (Dkt#158).

4. Gibson Dunn & Crutcher, L.L.P. ("GD") sought added time to consider filing for rehearing (15-2801:Dkt#250) that was granted May 3, 2016 (Dkt.#257). On

**AFFIDAVIT in SUPPORT:  
MOTION TO STRIKE  
REES BROOME  
PRO HAC VICE  
APPEARANCE**

Related Cases: 15-2801 cv (L)  
15-2805 cv (Cons)

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100 WALL STREET  
NEW YORK, NY 10038

May 23, 2016, a Petition for Rehearing or Rehearing *En Banc* (Dkt#130:#265) was filed, after which *amicus* briefs were submitted on behalf of NFLPA and Tom Brady.

5. DeMaurice F. Smith, NFLPA President and graduate of U. of Virginia School of Law, was added to ¶4s Petition despite no notice or *pro hac vice* motion.

6. On May 31, 2016, Matthew D. Baker of Rees Broome, P.C. filed Motion for Admission *Pro Hac Vice* (Dkt#153:15-2801:#291) and Notice to Appear on behalf of “Nat’l Football League Players Ass’n and Tom Brady (Appellees)”, requiring knowledge of and compliance with Federal, Local and Professional conduct rules.

7. Mr. Baker claims a law license from Virginia in 2012 (Dkt#153:P3,L3-4), allegedly earned after graduating from Washington & Lee School of Law, ID#54-0505977, with \$1.9 billion in assets and \$1.7 billion in equity per 2013 Form 990. Mr. Baker allegedly clerked in state court, the 25<sup>th</sup> Judicial Conference of Virginia, from 2012-13 for a judge who took the role in 2008 yet has no Virginia law license.

8. Mr. Baker offers no legitimate proof for admittance *pro hac vice* per Motion (Dkt#153:Dkt#291:P2-5), no authentic signature, penalty of perjury, or proof of licensure, admittance to other Courts or authority to act for firm shareholders or true *amici*. Any employee could have electronically filed using Mr. Baker’s identity.

9. Notice in ¶6 evades compliance as it: i) defies Fed.R. App.Pr. 29(e) by not seeking leave as six months overdue; ii) names *amicus* party that lacks veracity as not individual or legal entity; iii) omits case 15-3228; iv) improperly names Tom Brady in 15-2801; v) misstates short title; vi) lacks authentic signature and oath; vii) pays no fees; and viii) defies Local Rule 25.1(h)(4) with no service by mail to me.



10. Mr. Baker's *amici curiae* is nebulous with ¶6 stating "Scholars of Labor Law and Industrial Relations"; Form T-1080 adding "Law School Professors"; and Motion for Leave to Appear naming eleven people who show no proof of consent.

11. Mr. Baker's Form T-1080 *pro hac vice* motion appears non-compliant:  
i) fails to seek leave for six months overdue; ii) lacks authentic signature as initial document; iii) paid no fees; iv) omits case 15-3228; v) lists wrong caption; vi) adds wrong case 15-2085; vii) names fictitious moving party/Appellees in precise relief; viii) improperly omits court and judge; ix) falsely claims no opposition to motion; and x) admits no notice as 'procedural' with 'insufficient time' yet offers certification without oath as proof, showing no service to me by mail per Local Rule 25.1(h)(4).

12. Per ¶6, Rees Broome, P.C. ("RB") is a Virginia professional corporation #01534312, listed June 21, 1974 with registered agent Joel Birken, graduate of George Washington University ("GWU"). Its Maryland entity, #F13617147, listed as of June 14, 2010 has registered agent Peter Philbin, a U. of Richmond graduate.

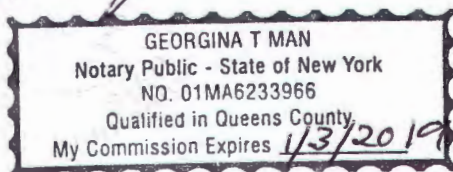
13. RB does not list labor law as an industry practice. Founder Jonathan Broome specializes in tax after GWU, clerking for Hon. Dawson in U.S. Tax Court.

14. Despite window of time not foreclosed to oppose a non-compliant filing, this Court granted leave to appear *pro hac vice* on June 7, 2016 (Dkt#161;Dkt#299).


15. Responses are due within ten days of service per F.R.A.P. 27(a)(3)(B).

Sworn to before me this 20 day of  
JUNE, 2016.

  
Notary Public



Dated: June 20<sup>th</sup>, 2016

  
Michelle L. McGuirk Appellant *Pro Se*  
P.O. Box 369, New York, NY 10113-369

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

Docket #:15-3228 cv (CON)

-----X  
NATIONAL FOOTBALL LEAGUE  
MANAGEMENT COUNCIL,

Plaintiff-Counter-Defendant-Appellee,

- v. -

NATIONAL FOOTBALL LEAGUE PLAYERS

ASSOCIATION, on its own behalf and Tom Brady

Defendant-Counter-claimant

**AFFIDAVIT  
OF SERVICE**

Related: 15-2801 cv (L)  
15-2805 cv (Cons)

TOM BRADY,

Counter-claimant

MICHELLE L. MCGUIRK,

Appellant  
-----X

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

I, Michelle L. McGuirk, Appellant, of full age, declare under penalty of perjury on

June 22, 2016, a copy of Notice of Motion; Form T-1080; Affidavit in Support:

Motion to Strike Rees Broome *Pro Hac Vice* Appearance was served by priority mail

in a postage-paid envelope under the exclusive custody of the U.S. Postal Service to:


<b>Daniel L. Nash</b> - Attorneys for NFLMC c/o Akin, Gump, Strauss, Hauer & Feld, LLP 1333 New Hampshire Avenue, NW Washington, DC 20036	<b>Jeffrey L. Kessler</b> - Attorneys for NFLPA c/o Winston & Strawn, LLP 200 Park Avenue New York, N.Y. 10166
<b>Theodore B. Olson</b> - Attorney for NFLPA <b>Andrew S. Tulumello</b> - Atty. for Tom Brady c/o Gibson, Dunn & Crutcher, LLP 1050 Connecticut Avenue, NW Washington, DC 20036-5303	<b>Gregg H. Levy</b> - Attys. for Roger Goodell c/o Covington & Burling, LLP One CityCenter, 850 Tenth Street, NW Washington, DC 20001-4956
<b>Paul D. Clement</b> - Attorneys for NFLMC c/o Bancroft PLLC 500 New Jersey Avenue NW, Suite 700 Washington DC 20001	<b>Matthew D. Baker</b> - Atty. for Alleged Amici Rees Broome, P.C. 1900 Gallows Rd., Suite 700 Tysons Corner, VA 22182

Sworn to before me this 22 day of  
June, 2016.



Notary Public

Dated: June 22<sup>nd</sup>, 2016



Michelle L. McGuirk, Appellant *Pro Se*  
P.O. Box 369, New York, NY 10113-369

